

REMARKS

Applicant has considered the Notice of Allowance, and accompanying Examiner's Amendment, mailed November 12, 2008 (and corrected version mailed November 19, 2008 in connection with the above-identified patent application and respectfully requests entry of the instant Amendment and remarks to the file history thereof.

Amendments to the Claims

Allowed claims are claims 4 and 8–10. With this Amendment, Applicant amends claims 4 and 10, to correct several recited compounds.

Applicant notes that the instant application is a U.S. national phase application of international application serial no. PCT/GB2004/001396, which published as WO2004/089350. Support for the amendments herein is given by reference to page and line numbers in the publication of the international application (which is the specification-as-filed of the instant application).

Claim 4 is amended to replace the 8th and 11th recited compounds with respective alternative compounds. Support for the two newly introduced compounds can be found in the specification as filed, at respectively page 11, lines 29–30, and page 12, lines 7–9.

Claim 10 is amended to replace the 12th recited compound with an alternative compound. Support for the newly introduced compound can be found in the specification as filed, at page 7, lines 15–16.

Applicant respectfully submits that the amendments herein do not introduce new matter into the subject application and do not effect a material change to the scope of the claims. Accordingly, a reopening of prosecution is not warranted on the basis of these amendments. Furthermore, Applicant respectfully submits that need for the subject amendments was only appreciated upon review of the complete set of allowed claims. Therefore, Applicant respectfully requests that the instant amendments be entered into the file history of the subject application.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that the subject application is in good and proper order to proceed to issue. If, in the opinion of the Examiner, a telephone

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conference would resolve any outstanding matters not heretofore resolved, the Examiner is encouraged to call the undersigned at (650) 839-5070.

No fee is believed owed in connection with filing of this amendment under Rule 312, other than the issue fee and fee for additional claim authorized on the accompanying transmittals. Nevertheless, should the Commissioner determine otherwise, he is authorized to charge any underpayment or credit any overpayment to Fish & Richardson P.C. Deposit Account No. 06-1050 (reference no. 23854-0004US1) for the appropriate amount.

Respectfully submitted,

Date: February 12, 2009

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